



**State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES**

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-3503 FAX (603) 271-2982



RER, LLC
662 North Mast Road
New Boston, New Hampshire 03070
Attn: Richard Renshaw, Agent

Re: 215 & 239 North Stark Hwy,
Weare, New Hampshire

**ADMINISTRATIVE ORDER
No. WD 03-016**

May 15, 2003

A. INTRODUCTION

This Administrative Order is issued by the Department of Environmental Services, Water Division to RER, LLC, pursuant to RSA 485-A:22. This Administrative Order is effective upon issuance.

B. PARTIES

1. The Department of Environmental Services, Water Division ("DES"), is a duly constituted administrative agency of the State of New Hampshire, having its principal offices at 6 Hazen Drive, Concord, NH.
2. RER, LLC is a limited liability corporation that registered with the New Hampshire Secretary of State on January 30, 2002 and has a mailing address of 662 North Mast Road, New Boston, New Hampshire 03070.

C. STATEMENT OF FACTS AND LAW

1. Pursuant to RSA 485-A:17, DES regulates significant alteration of terrain and erosion control through a permit program. Pursuant to RSA 485-A:6, VIII, DES has adopted NH Administrative Rules Env-Ws 415 to implement this program.
2. Env-Ws 415.02(y) defines significantly altering terrain as "to undertake any activity anywhere in the state that changes or disturbs the terrain so as to impede the natural runoff or create an unnatural runoff that has the potential to adversely affect water quality in the state's surface waters. Examples of activities which significantly alter the characteristics of the terrain include, but are not limited to earth moving activities which result in a disturbance of more than 100,000 square feet or more of contiguous area or 50,000 square feet or more of contiguous area if within the protected shoreland as defined in RSA 483-B, and timber harvesting operations."

4. Env-Ws 415.09(i) and (k) require employment of temporary and permanent methods for preventing soil erosion and controlling runoff.
5. Env-Ws 415.09(j) requires construction phasing and sequencing, including methods for limiting the length of time of exposure of unstabilized soils.
6. RER, LLC is the owner of property located on North Stark Highway (a/k/a Route 114), Weare, NH more particularly identified on Town of Weare Tax Map 405 as Lot 7 and on Tax Map 201 as Lot 71 ("the Property").
7. On April 23, 2003, DES personnel conducted an inspection of the Property. The following was observed:
 - a) Alteration of terrain activities in excess of 100,000 square feet had taken place on the Property;
 - b) No erosion and sediment control measures had been installed on the Property;
 - c) Sediment from the Property had migrated onto an abutting property on the east side of Route 114.
8. A review of DES records showed that an "Alteration of Terrain" (Site Specific) permit application has not been submitted by RER, LLC for the activities on the Property described in Paragraph 7 above.
9. At the time of the April 23, 2003 inspection, DES personnel informed Rick Renshaw of RER, LLC that all earth moving activities on the Property should be discontinued and that only the work necessary to stabilize the Property and control erosion on the Property should be performed.

D. DETERMINATION OF VIOLATIONS

1. RER, LLC has violated RSA 485-A:17 by altering more than 100,000 square feet of terrain without a permit from DES.
2. RER, LLC has violated RSA 485-A:17 and Env Ws 415.09(i) by failing to install erosion control measures on the Property.
3. RER, LLC has violated RSA 485-A:17 and Env Ws 415.09(j) by failing to stabilize areas within the Property.

E. ORDER

Based on the above findings, DES hereby orders RER, LLC as follows:

1. **Immediately cease and desist** all terrain alteration of the Property, except as necessary to stabilize the Property pursuant to this Order.

2. **Immediately stabilize the Property** as necessary to protect surface water quality and prevent erosion.
3. **Within 20 days of the date of this Order**, prepare an erosion and sediment control plan ("Plan") for the Property, and submit said Plan to DES for review. The Plan shall include, at a minimum, temporary and permanent erosion control measures necessary to stabilize the site, protect surface water quality, and prevent further impacts to abutting properties. The Plan shall also include a schedule for implementing the measures described in the Plan. The Plan must be prepared by an engineer licensed in the state of New Hampshire or by a certified erosion control specialist.
4. Implement the Plan on the Property, as approved and conditioned by DES, in accordance with the approved schedule.
5. Send correspondence data, reports, and other submissions made in connection with this Administrative Order, **other than appeals**, to DES as follows:

Rene Pelletier
Land Resources Management Program
DES Water Division
6 Hazen Drive - P.O. Box 95
Concord, NH 03302-0095

F. APPEAL


Any person aggrieved by the determinations of this Order may appeal the Order to the New Hampshire Water Council by filing an appeal that meets the requirements specified in Env-WC 200 within 30 days of the date of this Order. Copies of the rule are available from the DES Public Information Center at (603) 271-2975 or at <http://www.des.state.nh.us/desadmin.htm>.

Appealing the Order will not automatically relieve RER, LLC of the obligation to comply with the Order.

G. OTHER PROVISIONS

Please note that RSA 485-A:22 provides for administrative fines, civil penalties, and criminal penalties for the violations noted in this Order, as well as for failing to comply with the Order itself. RER, LLC remains obligated to comply with all applicable requirements. DES will continue to monitor RER, LLC's compliance with applicable requirements and will take appropriate action if additional violations are discovered.

This Order is being recorded in the Hillsborough County Registry of Deeds so as to run with the land.


Harry P.E., Director
Water Division


Robert Monaco, Acting Commissioner

CERTIFIED MAIL # 7099 3400 0002 9774 7688

cc: Mark Harbaugh, DES Legal Unit
Jennifer Patterson, NHDOJ, EPB
Tim Drew, DES PIP Office
Hillsborough County Registry of Deeds
Weare Planning Board
Weare Conservation Commission